

In re:	:	Case No.:	23-20267-GLT
	:	Chapter:	13
Arthur J. Drexler	:		
	:		
	:	Date:	6/28/2023
Debtor(s).	:	Time:	10:00

**PROCEEDING MEMO**

**MATTER:** #42 - Motion for Relief from Stay Filed by Allied First Bank, SD  
d /b/a Servank  
#48 - Response to Motion filed by Trustee  
#52 - Response to Motion by Debtor

**APPEARANCES:**

Debtor:	Michael S. Geisler
Trustee:	Ronda J. Winnecour
Allied First Bank:	Keri Ebeck

**NOTES:** [10:07]

Geisler: Will file confirmation order after hearings today. Plan payments increased \$2,426. Will file application for broker as soon as possible.

Ebeck: Without application for broker, no timeframe to have property sold, and no equity in the property (based on schedules) to provide a adequate protection, requesting some form of relief at least until property is sold.

Geisler: Joanne Waterson of Keller Williams is proposed broker. Can submit before July 3, 2023.

Court: The application should include a averment from broker as to why the \$230,000 listing price is justified. Confirmation order will provide a adequate protection.

Ebeck: Property is a lready listed on MLS. Been there for a week without a broker.

Geisler: Standing issue - different mortgage company that lent the money and then it was assigned to another, and then that company nominated Allied First Bank.

Ebeck: Going to file a transfer of claim.

Court: Claim is held by Money Store and no proof that Allied First holds an interest in the mortgage. Debtor's objection to standing is well taken.

**OUTCOME:**

1) For the reasons stated on the record, the *Motion for Relief from the Automatic Stay & Co-Debtor Stay* [Dkt. No. 42] is DENIED without prejudice. On or before July 13, 2023, Allied First Bank shall file a transfer of claim.[Text order].

2) For the reasons stated on the record, Debtor shall immediately file a proposed confirmation order under certification of counsel. [Text order].

3) For the reasons stated on the record, on or before July 3, 2023, the Debtor shall file an application to approve a broker. The application shall include an a verment from the broker as to why the listing price of the property should be \$230,000. If the Court is unsatisfied with the broker's reasoning, the listing price may be adjusted. [Text order].

**DATED:** 6/28/2023